

REMARKS

This is responsive to the Official Action of April 25, 2006. Claims 1 and 4-11 are pending in the application with claim 2 being canceled without prejudice. Of the presently pending claims, claims 1 and 4-9 are amended and dependent claims 10 and 11 are new.

In this Official Action, claims 1, 2 and 4-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Myers et al., U.S. Patent No. 6,283,439 (“Myers”), in view of any of Salazar, U.S. Patent No. 4,239,176 (“Salazar”), Japanese Reference JP11-182029 (“JP ‘029”) and Japanese Reference JP9-151602 (“JP ‘602”); claim 9 is rejected as being unpatentable over Myers in view of any of Salazar, JP ‘029, and JP ‘602, and further in view of Matsumoto et al., U.S. Patent No. 5,431,366 (“Matsumoto”); and claim 3 is rejected as being unpatentable over Myers et al. in view of any of Salazar, JP ‘029, and JP ‘602, and further in view of Imonetti, U.S. Patent No. 2,948,046 (“Imonetti”) and Adonetti, U.S. Patent No. 5,833,873 (“Adonetti”).

Independent claim 1, the only independent claim, has been amended to more clearly define Applicants’ invention over the prior art of record. More specifically, claim 1 now further recites a form panel for placing concrete made of plastic comprising, in part, two hollow projecting sections, which extend in a vertical direction, that are provided on both side edges of an outside surface of at least one of the side panel sections, and one of the side surfaces of one of the two hollow projecting sections that is provided on said sheathing section side, which faces said concrete placing surface of said sheathing section, is coplanar with the concrete placing surface of the sheathing section (underlining for emphasis). In view thereof, claim 2 has been canceled and claims 3 and 4-7 have been amended. Support for the amendments can be found

throughout the specification and, more specifically, at least at paragraphs [0044] and [0045], and in FIGS. 1-3, for example.

Dependent claim 8 has been further amended to more clearly define that the hollow reinforcing panel section is provided on an opposite side of the concrete placing surface. Support for the amendment can be found throughout the specification and, more specifically, at least at paragraph [0044] and in FIGS. 1-3, for example.

And, due to their dependencies from claim 1, either directly or indirectly, claims 3-9 have been further amended by replacing “A” with “The”.

In addition, new dependent claim 10 has been added to further recite the form panel as being configured to form spaces between adjacent form panels for conserving leaked concrete. Support for the claim can be found throughout the specification and, more specifically, at least at paragraphs [0018], [0061], and [0063], and in FIGS. 2 and 3, for example.

Also, new dependent claim 11, like claim 10, has been added to further recite the form panel as being configured to form spaces between adjacent form panels for conserving leaked concrete and to further recite that a portion of the space for conserving leaked concrete is formed as a V-shaped groove when viewed in cross-section and acts as a guiding groove for a tip of a drill used when forming an insertion hole for inserting a separator. Support for the claim can be found throughout the specification and, more specifically, at least at paragraphs [0118] to [0121], [0140], and [0141], and in FIGS. 12-14 and 16, for example.

Section 103 -- Rejections of Claims 1, 2, and 4-8

In rejecting independent claim 1, Examiner recognizes that Myers does not disclose forming the form panel of a “plastic” material with a hollow sheathing portion and hollow side panel sections. In an effort to fill this void, Examiner asserts that each of Salazar, JP ‘029, and JP ‘602 teach utilization of form panels having a hollow sheathing portion and hollow side panel sections with each of JP ‘029 and JP ‘602 teaching “plastic” form panels, such that the combination of Myers with any of Salazar, JP ‘029, or JP ‘602 discloses Applicants’ plastic form panel. *See* Official Action, page 4, lines 9-22. Applicants respectfully disagree.

To establish *prima facie* obviousness of a claimed invention, it is certainly well established that all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Even assuming *arguendo* that one skilled in the art would actually combine any of Salazar, JP ‘029, or JP ‘602 with Myers, the combination of the references fails to teach or suggest Applicants’ plastic form panel with its hollow sheathing section, hollow side panel sections, *and* two hollow projecting sections.

Myers discloses a wall form panel for use in constructing a poured concrete wall form that is extruded from aluminum metal to provide a solid metal wall form. *See*, e.g., abstract and col. 2, lines 17-20, and Figs. 1 and 3. Accordingly, as recognized by Examiner, Myers neither discloses a non-metal wall form, i.e., a plastic form panel, nor a hollow sheathing section and hollow side panel sections. In addition, Myers further fails to disclose the two hollow projecting sections of Applicants’ plastic form panel. Such hollow projecting sections, for

example, allow Applicants' form panel to conserve leaked concrete when the projection sections are in abutting contact with two other hollow projecting sections of an adjacent form panel.

In combining Salazar with Myers, Examiner states that Salazar "teaches utilization of form panels having a hollow sheathing portion and hollow side panels, 20 in Fig. 3 of Salazar." *See* Official Action, page 4, lines 12-14.

With respect to Salazar, this reference discloses a concrete construction system for erecting building structures in which column casting molds are assembled from a plurality of modular, interlocking, reusable forming elements. Each of the modular interlocking elements, such as corner modular element 20, may be extruded from aluminum and provided with one or more lightening holes 23 to reduce weight. *See*, e.g., abstract, col. 3, lines 35-40; col. 3, line 62 to col. 4, line 1; and Fig. 2.

As noted above, numeral 20 refers to corner modular element 20, which is but one small part or element of a column casting mold. This corner modular element 20 is neither the same as nor analogous to (and fails to include) the hollow sheathing section and hollow side panel sections of Applicants' form panel. Regardless, Salazar, like Myers, discloses use of aluminum metal, not plastic, for its column casting molds and further fails to disclose the two hollow projecting sections of the claimed form panel. In fact, there simply is no teaching or suggestion anywhere in Myers or Salazar motivating one having ordinary skill in the art to substitute aluminum metal with plastic, i.e. non-metal, let alone provide a plastic form panel including a hollow sheathing section, hollow side panel sections, *and* two hollow projection

sections. Thus, the combination of Myers and Salazar does not render obvious Applicants' claim 1.

In combining JP '029 or JP '602 with Myers, Examiner states that these references teach "utilization of form panels having a hollow sheathing portion and hollow side panels,...3 and 4 of 2 in Fig. 10 of JP '602 and 1 in Fig. 4 of JP '029 with each of JP '602 and JP '029 teaching "plastic" form panels." See Official Action, page 4, lines 12-16.

Upon close review of JP '029, this reference appears to disclose a plastic form including hollow struts 1 that are connected with a hollow joint plate 2. Upon close review of JP '602, this reference appears to disclose a form including a sheathing board 12, which is made of synthetic resin, and wooden rails 14 in the lateral direction of the sheathing board 12 and at specified intervals. There is no English discussion of Fig. 10, including numerals 3 and 4 of 2.

Notably, while both JP references appear to disclose use of plastics for certain components in their forms, neither JP '029 nor JP '602 disclose Applicants' plastic form including, in part, two hollow projecting sections. In fact, neither reference discloses a single projecting section, let alone two hollow projecting sections. Such hollow projecting sections, as discussed above, allow Applicants' form panel to conserve leaked concrete. Accordingly, even assuming *arguendo* that one would actually combine JP '029 or JP '602 with Myers and completely replace Myers aluminum metal form panel with plastic, the combinations still fail to teach or suggest Applicants' plastic form panel including, in part, the two hollow projection sections. Therefore, the combination of Myers and JP '029 or JP '602 fails to teach, or suggest, Applicants' claimed plastic form and, thus, does not render obvious claim 1.

For all of the above reasons, the combination of Myers with any of Salazar, JP '029, or JP '602 does not render obvious Applicants' independent claim 1, or any of its dependent claims.

Section 103 -- Rejections of Claims 3 and 9

As stated above, claim 3 is rejected as being unpatentable over Myers in view of any of Salazar, JP '029, and JP '602, and further in view of Imonetti and Adonetti, while claim 9 is rejected as being unpatentable over Myers in view of any of Salazar, JP '029, JP '602, and further in view of Matsumoto. Applicants distinguishing comments set out above with respect to Myers, Salazar, JP '029, and JP '602, apply equally to this rejection.

Applicants submit that the obviousness rejections of claims 3 and 9 are merely a gathering of various unrelated pieces of art in an attempt (certainly hindsight) to simply have all the elements. Such rejections are in error for at least the same reasons above, i.e., the combinations fail to teach or suggest Applicants' plastic form panel including, in part, the two hollow projection sections.

As such, the combination of Myers with any of Salazar, JP '029, JP '602, and Matsumoto, fails to teach, or suggest, Applicants' plastic form and, thus, does not render obvious Applicants' dependent claims 3 and 9.

Section 112 -- Rejections of Claims 1, 3, and 8

In this Official Action, claims 1-9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claim 1, line 10, “said projecting sections” lacks an appropriate antecedent within the claim. In claim 3, the recitation of “two projecting sections which extend in a vertical direction are provided on an outside surface of at least one of said side panel sections” is unclear since the claim does not specify whether the “two projecting sections” of claim 3 are in addition to the “at least one projecting section which extends in a vertical direction” recited in claim 1 or if the “two projections sections” of claim 3 form part of the “at least one projecting section which extends in a vertical direction” recited in claim 1. Lastly, claim 8 is unclear since it is not apparent that the hollow reinforcing panel section is provided on a rear surface of said concrete placing surface.

Due to the amendments to claims 1, 3, and 8, as discussed above, Applicants submit that the §112, second paragraph, rejection of said claims is overcome.

Information Disclosure Statement

Examiner appears to have lined-through the International Search Report (i.e., the A.R. document) listed on the Information Disclosure Statement, which was received by the Patent Office on August 16, 2004, for failure to provide a date of publication.

Applicants’ note that the International Search Report, in fact, was published by the Japanese Patent Office on March 11, 2003, such publication date is clearly listed as part of

the citation on the Information Disclosure Statement. Therefore, while the references listed in the International Search Report have been considered by Examiner, Applicants submit that its listing of the International Search Report is in conformance and further kindly request that Examiner initial next to the reference.

Conclusion

As a result of the remarks given herein, Applicants submit that the rejections of the pending claims have been overcome. Therefore, Applicants respectfully submit that this case is in condition for allowance and requests allowance of the pending claims.

If Examiner believes any detailed language of the claims requires further discussion, Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. Applicants also have submitted all fees believed to be necessary herewith. Should any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,
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